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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,548	11/12/2003	Philip H. Spano JR.	DB000972-001	6906

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,548

Applicant(s)

SPANIO ET AL.

Examiner

Michael Butler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Applicant's claim of priority to application 10010387 filed 12/7/01 is acknowledged.

Drawings

2. The drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim(s) 1-9 is/are rejected under 35 U.S.C. 102(b) as being anticipated by

Arnold which discloses all the claimed elements including:

(Re: cl 1) A method of identifying a shelf within a cabinet, shelf carrying at least one item to be located by a user, method comprising the step of causing a numeric display to flash a number that is the number of items to be located which are carried by the shelf (c7 L 54-64)

(Re: cl 2,3,4,5,6,7). A method, comprising: entering user information into a processor controlling a dispensing cabinet (c7 L 54-64)
processor unlocking certain doors of the dispensing cabinet in response to user information (c7 L 54-64)

entering patient information into the processor (c7 L 54-64)

choosing a query mode (c7 L 54-64)

identifying an item for which information is sought (c7 L 54-64)

displaying information for the identified item (c7 L 54-64)

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opening an unlocked door (c7 L 54-64)
selecting a compartment (c7 L 54-64)
identifying the number of items taken from the selected compartment (c7 L 54-64)
displaying the number of items taken on a display (c7 L 54-64)
closing the opened door (c7 L 30-56)
logging off c8 L 6-23
and locking the unlocked doors (c7 L 30-56)
(Re: cl 8) (7) choosing a query mode includes choosing from among a dispense, locate, return, query and restock mode (c7 L 54-64)
(Re: cl 9) (7) identifying an item includes one of picking an item from a pick list (c7 L 30-56)
inputting identifying information with a keypad, and barcode scanning (c 7 L 6-19).

5. Claim(s) 1-9 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Haitin et al. which discloses all the claimed elements including:

(Re: cl 1) A method of identifying a shelf within a cabinet, shelf carrying at least one item to be located by a user, method comprising the step of causing a numeric display to flash a number that is the number of items to be located which are carried by the shelf (c11 L 22-30).

(Re: cl 2) A method, comprising: entering user information into a processor controlling a dispensing cabinet; processor unlocking certain doors of the dispensing cabinet in response to user information; choosing a query mode; identifying an item for which information is sought; displaying information for the identified item; logging off; and locking the unlocked doors (c8 :L 33-38)..

(Re: cl 3) (2) entering patient information (c10 L 21-28)

(Re: cl 4) (3) opening one of the unlocked doors, selecting a compartment, entering the number of items taken, and closing the opened door (c 11 L 1-2)

(Re: cl 5) (2) choosing a query mode includes choosing from among a dispense, locate, return, query and restock mode (c6 L 62-c7 L 7).

(Re: cl 6) (2) identifying an item for which information is sought includes one of picking an item from a pick list (c3 L 3-13), inputting identifying information with a keypad, and barcode scanning (c 11 L 1-2 with c11 L 31-33).

(Re: cl 2,7). A method, comprising: entering user information into a processor controlling a dispensing cabinet (c10 L 32-38);

processor unlocking certain doors of the dispensing cabinet in response to user information (c10 L 47-51);

entering patient information into the processor (c11 L 22-30).;

choosing a query mode (c6 L 62-c7 L 7);

identifying an item for which information is sought;

displaying information for the identified item (c10 L 40-46);

opening an unlocked door (c10 L 47-51);

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selecting a compartment (c10 L 47-51);
identifying the number of items taken from the selected compartment (c 11 L 1-2)
displaying the number of items taken on a display (c10 L 47-51);
closing the opened door (c 11 L 1-2);
logging off
and locking the unlocked doors (c8 :L 33-38).
(Re: cl 8) (7) choosing a query mode includes choosing from among a dispense, locate, return, query and restock mode (c6 L 62-c7 L 7).
(Re: cl 9) (7) identifying an item includes one of picking an item from a pick list (c3 L 3-13), inputting identifying information with a keypad, and barcode scanning (c 11 L 1-2 with c11 L 31-33).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.



Michael E. Butler

Examiner



DONALD P. WALSH
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